

Department of Corrections Advisory Council
Meeting Minutes
June 27, 2006
Arlee Community Center, Arlee, Montana

Opening Statements

Sen. Gallus opened the meeting and stated he would chair the meeting in the Lt. Governor's absence.

Members Present

Mikie Baker-Hajek, Rep. Tim Callahan, George Corn, Dave Castle, William Dial, Sen. Steve Gallus, Rep. Gail Gutsche, Emery Jones, Rep. Veronica Small-Eastman, Penny Kipp, Sen. Mike Cooney, Red Menahan, Emily Matt Salois, Sen. Trudi Schmidt, Sen. Jim Shockley, Allan Underdal, and Dorothy Bradley. Channis Whiteman attended on behalf of member Carl Venne.

Opening Prayer

Johnny Arlee, Cultural and Spiritual Leader

Host Opening Statement

Steve Lozar, Council Member

Mr. Lozar welcomed everyone in attendance on behalf of Tribal Chairman, James Steele Jr. He gave an overview of the history of the Tribe and explained the culture and talked about extended families. He also mentioned the disparity in the Native populations that are in the secure facilities. The tribes, at one time, grouped all state government into one category. The Department of Corrections is now being seen as a separate entity from the courts and law enforcement, and that corrections doesn't control who goes in or who comes out. He also recognized the effect meth is having everywhere and was impressed how the state is taking this epidemic head on.

Mr. Lozar, on behalf of the Tribe, presented Director Slaughter with a blanket as a gift, to say farewell, and thanked him for looking at corrections for Natives from a different perspective.

Roll Call

Sen. Gallus did roll call for the members attending and made a motion for approval of the minutes of the April 7th meeting. Minutes were approved as is.

Native American Corrections Study

Dr. Luana Ross with Lucille Cruz

Dr. Ross did research from 1991 to 1998 and went to the women's prison in

1998 to do research on incarcerated native females.

Her primary research questions were:

How do women experience prison and is there a difference for natives?

What are the effects of mothering from prison?

What type of institutional support is there for family ties?

Some of the conclusions she came to are as follows and are covered in her handout. Native Americans are the most violently victimized racial group in the U.S., and it is inter-racial, not intra-racial as with other racial groups. It is imperative to recognize racism as a problem in Montana and throughout the criminal justice system. Regarding conditions of confinement, the culture of violence towards natives in prison needs to be eliminated and there needs to be a strategy to reduce overcrowding. She also pointed out that rehabilitation needs to be a focus, rather than incarceration, for drug possession charges. Native American prisoners also believe that the system uses inadequate health care as a form of punishment, even more for inmates with mental health issues. She would like to see more staff training regarding cultural awareness training and acceptance for the native culture. Other issues addressed are outlined in her handout, such as sexual misconduct issues and issues with visits and children. On a final note, there is a request for a liaison between the system and incarcerated tribal members.

Warden Acton from Montana Women's Prison updated the council on changes since Dr. Ross's research visit. She stated that the prison has always strived for equality of treatment. She described the religious activities that are available for native females. She also described the programs available for incarcerated mothers and that visits involving physical touch regarding children are the norm and the appearance of the visiting area. The prison is also dealing with mental health issues including the effect of isolation.

Mike Ferriter commented that 77% of all Montana offenders are in the community and corrections is moving toward 80%. There are 6 prerelease centers with 4 serving females. The centers have family rooms for visitation. There are also tentative plans for a prerelease in the Kalispell area with 40 beds in Kalispell and 40 on the reservation. As for meth treatment there will be one in Boulder for females. Adult community corrections is coordinating with the University of Montana to do outcome measures.

Rep. Gutsche mentioned the subcommittee study on many corrections issues such as the mentally ill, drug addicted or co-occurring issues. The subcommittee is also looking at Native American, women's issues and treatment courts. She mentioned the liaison and researching adding case management after release.

Sen. Schmidt asked Mrs. Cruz what would have helped to keep out of trouble, as in what type of prevention.

Mrs. Cruz said most female inmates were victims of abuse as children and

would have liked to have been protected.

Mr. Ross added that abuse leads to self medication, which in turn leads to incarceration.

Sen. Schmidt stated that the community needs to help children.

Sen. Shockley inquired as to why there are male guards at MWP.

Warden Acton answered that there are primarily male applicants. Having male correctional officers provides for positive male contact.

Sen. Shockley added the concern of the expense of phone calls.

Warden Acton stated there is a new phone plan.

Mrs. Baker-Hajek stated there are issues of non disclosure of sexual violence. There are also issues with prosecution of sexual violence and from there the problems are cumulative.

Mrs. Matt Salois requested that the council to again consider a Native American issues subcommittee.

Sen. Gallus stated he would bring this to the attention of the Chair and he invited her to participate on the current subcommittee as it does focus on Native American issues.

Mrs. Bradley inquired on comparative data on rehabilitation for native vs. non-native and male vs. female.

Mr. Hamel stated we currently do not have this data. Will request input from the council as to what type of data to track.

Mr. Menahan commented on hiring and that community programs don't have an issue with getting female applicants. He inquired if this just a prison issue and asked why women don't apply.

Warden Acton answered that the prison stereotype is just not appealing to females but was willing to do a survey on it.

Julie Cajune, sister of Dr. Ross, mentioned services for children and made reference to a family with 3 minor children whose parents are both in prison. She fears that the children will grow up with the same chemical addictions as their parents and end up in the system also. There needs to be a support system for situations such as this. Prevention and intervention are key.

Sen. Schmidt inquired about the liaison between the state and the tribes.

Reno Charette, Governor's Office of Indian Affairs Coordinator, answered that the new position is called Native Cultural Officer.

Mr. Mason, American Indian Liaison for Corrections, stated he would set up a separate meeting with Sen. Schmidt to explain the position.

Chief Dial commented on Dr. Ross's statement about meth. It appears in Montana from law enforcement perspective that the anti meth campaign is

working, but cocaine is making a comeback. He also mentioned that research is showing verbal abuse is just as damaging and asked Warden Acton if there are classes that face this issue.

Warden Acton answered that is part of the curriculum of the parenting class and it is part of staff training also.

Sheriff Castle asked if Mrs. Cruz had access to any pretrial services.

Mrs. Cruz stated that she did not.

Mr. Corn asked if Mrs. Cruz went straight to prison and what classes were offered to help in her rehabilitation.

Mrs. Cruz stated that the class Cognitive Principles and Restructuring was useful and she did go to chemical dependency classes. She opined that the meth treatment centers are key because they are long term and aftercare support is also imperative. They aftercare was key as it strengthened her life skills. She stated she was lucky to have a good family support system. Corrections has come a long way in her opinion. Being sent to prison for a drug related crime just criminalizes your addiction. Treatment is a much better option.

Mrs. Kipp asked why Mrs. Cruz didn't want to come home.

Mrs. Cruz said the reason was the stigma of what she did and of being a felon in a small community. She also wanted to avoid old friends and old patterns.

Mr. Menahan asked Mrs. Cruz if it would have been better to go to rehabilitation than to prison.

Mrs. Cruz stated treatment would have been much better.

Mrs. Baker-Hajek asked if Mrs. Cruz was able to get ongoing aftercare.

Mrs. Cruz stated she was and still goes to counseling.

Lynn Hendrickson, audience member, stated that on the reservation there is little aftercare support because of limited resources.

Mr. Whiteman stated that on the Crow reservation there is no support currently because there are no licensed addiction counselors. The tribe hasn't hired anyone from another tribe, which is putting a limit on themselves.

Dr. Ross stated tribe didn't matter in Washington for a native parole officer, there was always mutual respect.

Mr. Whiteman stated that Indian Health Services and BIA are cutting so much that there will be better services in prison for Native Americans.

Dr. Ross said it was different for the women in her study. She stated that women compared prison to boarding school.

Sen. Schmidt asked whether the tribes will cooperate for continuity of care for released offenders.

Mr. Whiteman stated that there isn't a support system for continuity of care.

Cil Robinson, Juvenile Justice, Board of Crime Control, stated that intervention starts with the whole family.

Director Slaughter thanked Dr. Ross, welcomed her to do another study and added that there are different offender types compared to when she did her study. As offenders change, correction's programs will change also. The department will promote treatment courts, community corrections, and other pilot programs.

Dr. Ross appreciated the invitation to do another study.

Lynn Hendrickson

Her 18 year old son, Harley Peone committed suicide in April at Connections Corrections Program at Warm Springs. Her son had mental health issues; she shared her story about how her son tried to kill himself after his dad committed suicide. He started huffing gas and was sent to Pathways for addiction problems. He was in and out of mental health treatment. Was sentenced to corrections, went to MASC, then Butte prerelease, then to Connection Corrections for 60 day treatment. He only made it 30 days. She told everyone she could about his mental health issues. Connections wasn't the right place for her son. He spent 4 days in disciplinary isolation and then committed suicide. She is here today sharing her story to advocate for offenders with mental health issues.

Rep. Small-Eastman asked if Harley was on anti-depression medication prior to being sentenced to corrections.

Mrs. Hendrickson said yes he had access to counseling, but self medicated all the way up to meth. He was diagnosed with schizophrenia, but put on a big front.

Rep. Small-Eastman asked if he was okay when he was on his anti-depression medication.

Mrs. Hendrickson said yes he was fine on his medication. It took two months to get him his medication while at MASC.

Mrs. Kipp commented that Lynn is very intelligent articulate woman, and services should not be a hide and seek for folks that aren't as intelligent.

Mrs. Hendrickson said she asked a lot of questions.

Sen. Schmidt asked what she would like to have now from corrections.

Mrs. Hendrickson advocates for mental health services for offenders. She is still waiting for report from corrections.

Mike Ferriter it is being worked on.

Bonnie Adee, Mental Health Ombudsman, Governor's Office, added that her office does hear from individuals and that there is room for improvement especially in the area of treatment for co-occurring issues.

Rep. Small-Eastman asked if the department has statistics on how many offenders have mental health issues.

Mr. Hamel stated that 85% of offenders have some type of addiction or mental health issues, many of them are co-occurring. His bureau is in the process of

gathering specific data.

Native Issues in Corrections

State Tribal Representatives were invited to speak.

Julia Downy, the Representative for the Fort Belknap Reservation, told the group she advocated for more support systems on the reservation but stated their main focus is on the battle against meth. She is working on the focus on children issues. Education is very important. She says Montana's focus needs to be on prevention and it needs to start with the children. She gave an account of her personal experiences with the children she worked with. She challenged community leaders to think outside the box and solve issues from the community level to keep people out of the system. Prevention is the best first step. Sen. Gallus stated that diversion is going to be one of the major focuses of the council.

Statistics Report

Bob Anez

Mr. Anez went over an offense review handout that compared data of offenders, both native and non-native, in the state of Montana. It showed differences in the most common offenses for which both native and non-native were sentenced. The report could not show why 14% of the corrections population is native, as it is out of the department's scope.

Rep. Small-Eastman asked for clarification.

Mr. Ferriter could only speculate on these figures as the judge is the one to do the sentencing.

Rep. Small-Eastman referenced federal funding and asked about federal crimes and how they relate to Montana.

Mr. Ferriter answered that in the federal system there is no parole and is unaware how federal funding affects sentencing. For the state, offenders can go to prerelease to finish out their sentence.

Sen. Gallus added that the council can look into other statistics in the criminal justice system

White Bison

Jim Mason

White Bison, Inc. is an American Indian non-profit organization. White Bison has offered healing resources to Native America since 1988. White Bison offers sobriety, recovery, addictions prevention, and wellness/Wellbriety learning resources to the Native American community nation wide. Many non-Native people also use White Bison.

The Medicine Wheel and 12 Step program was developed to provide a culturally appropriate 12 Step program for Native American people. This program was developed by White Bison, based upon Teachings of the Medicine Wheel, the Cycle of Life and the Four Laws of Change.

The Medicine Wheel is an ancient method for teaching important concepts about truth and life. Many Native American communities use a Medicine Wheel, although the colors and the symbols are different depending upon the culture. The purpose is the same in each culture. These teachings, when applied to one's life, have the power to influence significant change in attitudes, behaviors, values and intent.

The program is currently in use at Montana State Prison and Montana Women's Prison. Mr. Mason is working to have this program available in all facilities by the end of this year.

Rep. Gutsche asked if it was used just in prison.

Mr. Mason answered it isn't for just prison but isn't aware of the program in other areas of the Montana community.

Sen. Schmidt how will the regional prisons get the program.

Mr. Mason stated that he will help get them instituted.

Mrs. Matt Salois asked for stats of men and women and how many have taken the program.

Mr. Mason over 200 have taken it so far at Montana state prison but it is still too early to get good stats on recidivism.

Rep. Small-Eastman asked if the tribes are involved in the training for after release.

Mr. Mason said that he isn't aware of any for aftercare on the reservations.

Sen. Schmidt asked if it is use at the prereleases.

Mr. Mason isn't aware of any.

Sen. Gallus asked if it was being used at RYO.

Mr. Mason doesn't know, as it is a federal facility.

Rep. Small-Eastman is it at the regionals.

Mr. Underdal stated it is in the process at Shelby.

Native Cultural Officer

Reno Charette and Director Slaughter

Director Slaughter gave a short overview of the program. The Department, in conjunction with the Governor's Office, is in the process of hiring the position and setting the goals for the program. Using Canada as a model to implement this part of their program, Mrs. Charette explained that there are three draft goals for the pilot part of the program. The three goals are to use the grant to create a successful pilot program in the Great Falls area, to reduce the entrance to prison of Native Americans, ages 18 to 25, by 10%, and do this all in 12 months. The

position will also be charged with gathering data on cultural and language barriers and how those affect sentencing and revocations by community corrections officers.

Mr. Menahan asked what the qualifications for the position were.

Mr. Barry said the applications requested 2 years or more of higher education, with a focus in native studies or social services or equivalent.

Rep. Small-Eastman what do the candidates have as credentials.

Mr. Barry stated all have the direct applicable skills but cannot go into details because of confidentiality.

Rep. Small-Eastman feels that greater the qualifications the better off the program will be.

Sen. Gallus asked about a strategy for cost with the six month budget gap and how it will be funded in the future.

Director Slaughter feels that there will be continued support for this program.

Mrs. Baker-Hajek concerned that the best defense is victim blame and wants to be sure that the rights of victims are upheld.

Director Slaughter stated that victims are a key part of this program and will not be ignored. It is designed to balance the percentages of the population of Native Americans sent to prison.

Memorandum of Understanding

Colleen White

Mrs. White explained that the department is working with the tribes on memorandums of understanding to better supervise probationers and parolees that move back to the reservation while under supervision of the department. At present there are barriers that hinder the proper supervision of these offenders. The focus will be for mutual aid so there are alliances between the tribal law enforcement and the local probation and parole officers.

Rep. Small-Eastman asked Julia Downing if her tribe had an MOU.

Mrs. Downing said they do not have one at this point, but has concerns on having someone from outside the tribe coming onto her land without permission. She also stated that the Tribal Council needs to know when outside authorities are on the reservation.

Youth Services Division

Steve Gibson and Nancy Wikle

Mr. Gibson and **Mrs. Wikle** gave an update of the programs available in Youth Services for native youth. Youth Services works in conjunction with other agencies to provide services to youth through collaborations and grants. He also stated that there are no public operated mental health facilities in Montana for youth. Currently they must be sent out of state and at a high cost.

Mrs. Wikle, Native American Liaison for Youth Services, also gave a detailed list of the things provided to native youth, by giving an overview of a handout.

Sen. Cooney inquired what was ratio of native youth under the supervision of Youth Services.

Mr. Gibson said with the population being so small it varies and can run anywhere from 14% to 25% at Pine Hills and from 20% to 60% at Riverside. It would be disproportionately higher if you counted the kids at the federal youth services level.

Old Business

Department Administrative Changes

Director Slaughter

Director Slaughter briefly explained the two new divisions in the department. The magnitude of rising outside health costs, the need for department wide coordination of health services combined with the ACLU lawsuit prompted the need for a management level director of health services.

Mr. Ferriter stated there won't be a major reorganization, or a change in the mission statement. He believes that the department is headed in the right direction. He is also having a Central Office staff meeting to help new staff in Helena understand the goals of the department. He stated he will also work on having the right data when it is needed, so he won't have to say "I'll get back to you."

Industry Program Improvements at MWP

Gayle Lambert

Mrs. Lambert gave a short update on programming at Montana Women's Prison. She mentioned the new sewing business that has been implemented in the last two weeks, by working with Idaho Department of Corrections. Their program was shut down after a contract expired. The new program will provide inmate clothing and other items. Also industries is working on college programs for offenders.

Rep. Small-Eastman asked about Native American sewing crafts and selling them.

Mrs. Lambert said that they will be having horse hair braiding classes brought over from the men's prison. As for other Native American crafts, those are being looked at.

Transportation

Ross Swanson

Mr. Swanson gave a brief update on inmate transportation that's being taken over by the department. Currently it is in the transition planning stage and the department is working on the logistics, such as vans and routes.

Mr. Corn asked about the budget for the project.

Mr. Swanson stated the cost for running the system will be about the same as when TransCor ran it, which was approximately \$400,000. The main difference is with higher custody inmates the department will have an escort vehicle.

Mrs. Baker-Hajek apologized for asking an unrelated question but wanted Mr. Swanson to know that victims are receiving calls from offenders at MDIU.

Mr. Swanson stated that the prison does block calls if they have the victim lists, but sometimes the staff is waiting for the offender's file, that contain the victim information.

Sheriff Castle MSPOA was working on standardizing protocol for transportation and asked if the department was involved.

Mr. Swanson said there was preliminary work done and the information would be looked into further. It has been an ongoing dialog between MSPOA and the department.

Sen. Schmidt followed up on Mrs. Baker-Hajek's concern and asked what could be done about the problem.

Mr. Swanson stated that the department is looking at ways to speed up the paperwork processing and turn around time for files.

Mr. Corn stated that there is a communication issue between counties and the state when it comes to processing paperwork.

Mr. Swanson mentioned a pilot project on standardizing judgments and electronic document solutions.

Health, Planning and IT Division

Gary Hamel

Mr. Hamel explained his division's organization and purpose. His focus for this meeting is the Health Services Bureau. The major goals of the Health Services Bureau are to provide fair, consistent, effective delivery of mental health, behavioral health, medical and dental services. The department has a moral obligation to care for the offenders in Montana's correctional facilities. Outside medical costs for fiscal year (FY) 2004 was 2.4 million dollars, for FY05 3.4 million and it is expected to rise in FY06. Montana State Prison was at 5.2 million for FY04, it was 6 million for FY05, the cost to date is 5.6 million. All of these were just for medical costs and doesn't include MWP or other programs in the system. There is one offender alone that costs are expected to go above \$200,000 for a rare disorder. As a rural state there is a lack of treatment that can be offered in big cities, so for some cases we must transport these folks out of state for care. The prison population is getting older and there are issues with

having an aging population. The department is also working on a couple of projects with the Department of Public Health and Human Services to help offenders with mental illness and severe behavioral health issues. Mr. Hamel introduced Deb Matteucci as the new Behavioral Health Facilitator who will act as a liaison between the two agencies to help coordinate efforts to help these offenders as they move through the system with continuum of care.

He briefly touched on the Planning Management Bureau. The goal is to take a systematic approach to the planning of all the projects for the department.

He also reported on the Information Technology Bureau with his focus on statistics. The department has an antiquated system and is working internally to develop a method to track offenders as they move through the corrections system.

He also brought up the Population Management Team. It is a team of staff appointed by the Director to work on managing the population through cost savings analysis; population forecasting, and dealing county jail hold issues. He also briefly led the council through the population management worksheet which breaks down the population projections.

Budget

Rhonda Schaffer

Mrs. Schaffer went briefly over the budget and confirmed the 11.5 million dollar shortfall. The department has transferred money from FY07 to FY06 to meet our costs. She covered the Breakdown of FY06 Budget Overages handout.

Mrs. Baker-Hajek as a member of this council and the Corrections Crime Victims Advisory Council, wanted to share the concern for a formalized victim notification for criminal DPHHS commitments. She would like to add victim notification and add this service to VINE.

Public Comment

Scott Crichton, Executive Director, ACLU of Montana said he is excited by the creative problem solving that the agencies in the state are bringing to the table. He also mentioned the medical compliance issue at MSP, said he is worried that Dr. Ramakrishna has left the prison and MSP is in desperate need for a replacement. He is still also concerned about ADA compliance at MSP.

Roy Rodriguez gave his story about growing up as a native and being in the military. He viewed the reservations as a bigger prison with bigger walls. He opined that the tribes haven't earned anything, they are given everything and that is why drugs and crime are so prevalent. Mr. Rodriguez will be the first victim offender dialog participant in July. He is going to Shelby to confront the person

who committed a crime against his family.

Jerry Marble shared his story. In 1999, his wife of 25 years committed suicide. During the time of his wife's depression, his two boys started acting up and he stated he has extensive experience with the criminal justice system. Most of it has centered on drug use. He stated he would like to be on this council. He said he had a great deal to offer the council in experience and a different perspective.

Closing Statements

Anna Whiting-Sorrell made the closing comments. She said that just by having this meeting is in the right direction. She was very thankful that the council was there to hear stories from people who have never had a chance to have their stories told. She added that when Dr. Ross left earlier that day, she apologized, stating that her presentation might not have been what people thought it might be. What she apologized for is that she had been waiting for sixteen years to tell her story. What a historic opportunity to get these people together today to hear these stories. She gave a great big thank you to everyone who attended. She gave special thanks to Director Slaughter and stated that he would be sorely missed.

She ended by thanking everyone for coming to her home to share this historic event.

Penny Kipp gave her thanks and welcomed everyone back to visit. She also invited everyone to come to the Pow Wow. Mrs. Kipp thanked everyone for their patience and for dressing down to make the presenters more comfortable.

Discussion of September meeting agenda and location

Sept 7 and 8th is scheduled at Riverside Youth Correctional Facility in Boulder.

Adjourn

Minutes condensed and summarized by Ted Ward, Directors Office, Corrections